IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WP(C).No. 35017 of 2007(R)

PETITIONER:

KUNHI RAMAN, KUDINHERI HOUSE
IRIYANNI P.O., MULLAYAR VIA
KASARGOD.

BY ADV. SRI.P.A.AUGUSTIAN
SRI.ALEXANDER J.KARUVELITHARA

RESPONDENTS:

---

1. THE COMMISSIONER OF CUSTOMS
CUSTOM HOUSE,WILLINGDON ISLAND, KOCHI 682 009.

2. ADDITIONAL COMMISSIONER OF CUSTOMS
CUSTOM HOUSE,WILLINGDON ISLAND, KOCHI 682 009.

BY ASST.S.G. SRI.P. PARAMESWARAN NAIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/12/2007, ALONG WITH WPC NO. 35018 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C)s. 35017/2007 & 35018/2007

Dated this the 1st day of December, 2007

JUDGMENT

In these two writ petitions, petitioners who claim to be employed in the Middle East have imported vehicles which are lying with the customs pending adjudication. Prayer made is for expediting the release of the vehciles.

2. In W.P.(C).35017, on instructions, the learned Standing Counsel for the respondent submits that on 23.8.2007, petitioner had appeared before the adjudicating authority and a statement was recorded and that subsequently there was a change in the adjudicating authority and therefore, the department has issued a fresh summons to the petitioner. It is also stated that the petitioner is required to appear before the adjudicating authority between 3.12.2007 and 5.12.2007.

3. At that stage, learned counsel for the petitioner submits that his first client has nothing more to state and therefore, the department can proceed with the

adjudication with the statement that is already recorded. I record this submission.

4. In view of this, I direct that the adjudicating authority shall complete the adjudication and pass orders as expeditiously as possible at any rate within a period of four weeks from the date of receipt of a copy of this judgment.

5. In so far as W.P.(C).35018/2007 is concerned, in that case also, the car imported by the petitioner is awaiting clearance. It is submitted by the counsel for the respondents that statement of the petitioner was recorded and that subsequently he has retracted from the statement given. In view of this, fresh summons has to be issued.

6. There upon counsel for the petitioner submits that in view of his previous bitter experience petitioner would like to be accompanied by a counsel. This request

made by the petitioner is not opposed by the respondents.

7. Taking into account the submissions that are made by both sides, this writ petition is also disposed of directing that adjudication shall be completed by the department within eight weeks from the date of receipt of a copy of this judgment. In the meantime, if summons is issued to the petitioner, he shall cooperate with the adjudication and he will however be allowed to be accompanied by a lawyer as and when summoned to appear before the respondents.

Writ petitions are disposed of as above.

ANTONY DOMINIC
Judge

mrcs